



PLANNING COMMISSION AGENDA

Thursday, August 13, 2015

Morgan County Council Room

6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St., Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/Public Hearing/Decision – Rees Future Land Use Map Amendment

Administrative:

7. Discussion/Decision – Pettit Ranchettes PRUD Amendment 2.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from July 9, 2015
10. Adjourn

Rees Future Land Use Map Amendment
Public Hearing
August 13, 2015

Application No.: 15.058
Applicant: Mark Rees
Owner: Bruce Tonks, Craig Tonks, Scott Rees, Mark Rees, Gene Ercanbrack
Project Location: Round Valley Rd; Generally South of the Rivala Development
Current Zoning: A-20
General Plan Designation: Agricultural
Acreage: ~225
Request: Amend the Future Land Use Map, changing the existing designation from Agricultural to Rural Residential
Date of Application: July 28, 2015
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested future land use map amendment based on the following findings and with the conditions listed below:

Findings:

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses to the north (Rivala Development).
3. That the anticipated development will not adversely impact the adjacent properties.

Background

Mark Rees, acting also on behalf of Bruce and Craig Tonks, Scott Rees, and Gene Ercanbrack, applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located generally south of the existing Rivala Development, which currently consists of the Round Valley Golf Course. There is some residential development in the vicinity, particularly to the western portion of the proposed Future Land Use Map amendment area, which is relatively dense in nature. The proposed amendment would change a approximately 225 acres of land currently designated Agricultural to Rural Residential. The land is currently generally vacant, with the exception of two homes located in the vicinity of the Golf Clubhouse area (see Exhibit A).

Analysis

General Plan and Zoning. Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipates the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation, Agricultural, notes that:

The purpose of [the Agricultural] designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres.

The current designation is incompatible with the desires of the property owners to develop their property, and is not necessarily in keeping with what will be developed in the Rivala Development. In the Round Valley Area Plan, the desire of the people involved is to:

...change the current zoning to RR-1 the entire length of the existing County Road. (Morgan County General Plan, Appendix A, Round Valley, Como, and Taggarts General Plan, page 2).

The proposed designation, Rural Residential, notes that:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

As can be seen in Exhibit A, and as noted above, there is already some compatible development in the area. Further, the Rivala Development will have large areas of similar, compatible density. It is also anticipated that the developer will request a rezone to RR-1 pending the approval of the proposed Future Land Use Map amendment.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...

5. Morgan County public policies support the viability of working and hobby farms,

protection of agricultural lands, and the conservation of natural resources and rural character.

6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

C. Plan Adoption:

- 1. After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

After the public hearing, the planning commission may make changes to the proposed general plan.

- 2. The planning commission shall then forward the proposed general plan to the governing body.*
- 3. The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before the hearing at which the proposed general plan is to be considered and public comment heard.

- 4. After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
- 5. The governing body may:*
 - a. Adopt the proposed general plan without amendment;*
 - b. Amend the proposed general plan and adopt or reject it as amended; or*
 - c. Reject the proposed general plan.*

- 6. The general plan is an advisory guide for land use decisions.*

D. Amendment of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in

subsection (C), which is included for reference.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Rees Future Land Use Amendment, application number 15.015, changing the designation from Natural Resources and Recreation to Agricultural, based on the findings listed in the staff report dated August 13, 2015.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Anderson Future Land Use Amendment, application number 15.015, changing the designation from Natural Resources and Recreation to Agricultural, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Current Section Plat
Exhibit E: Proposed Rivala Map

Staff Contact

Bill Cobabe, AICP
801-845-4059
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

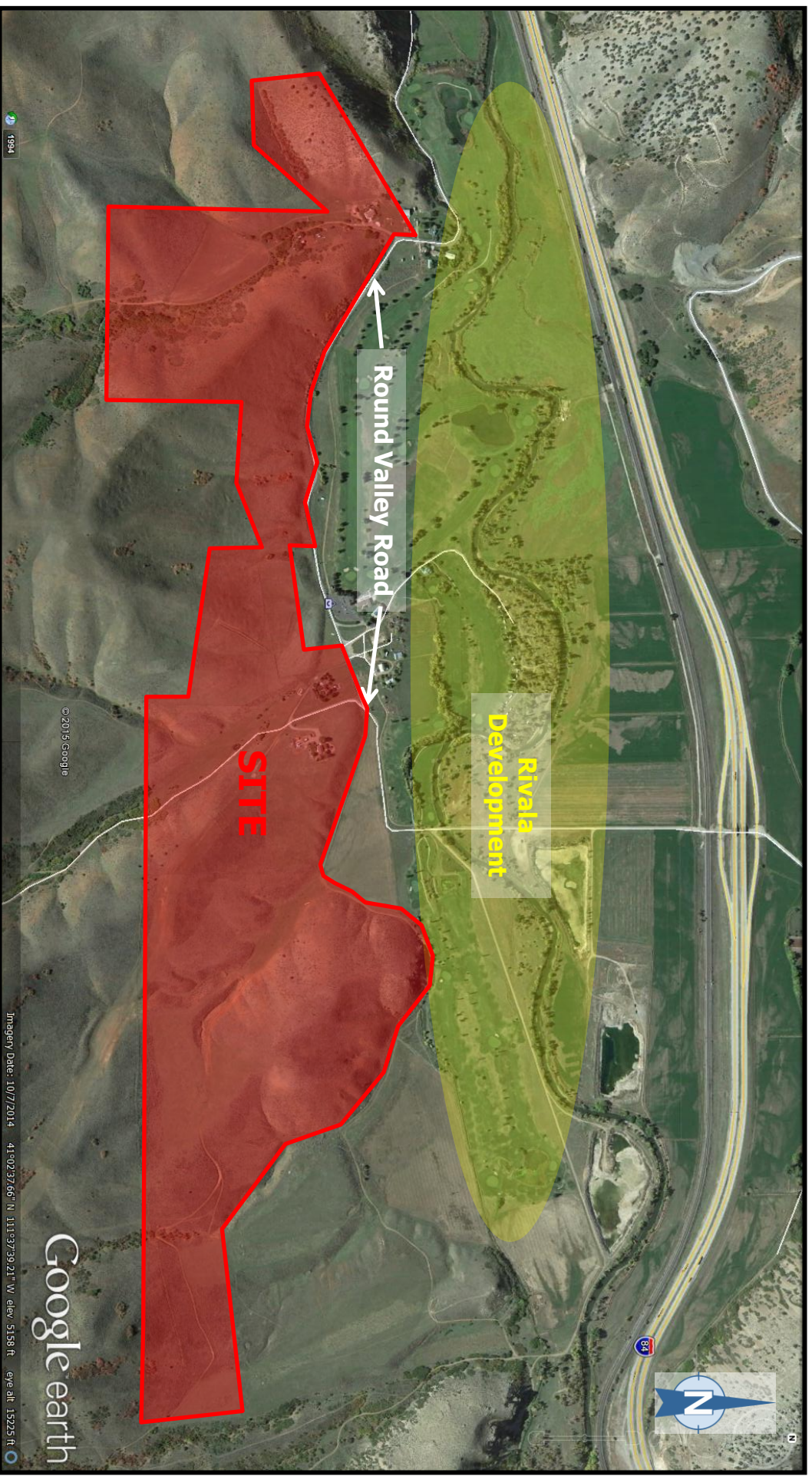


Exhibit B: Future Land Use Map

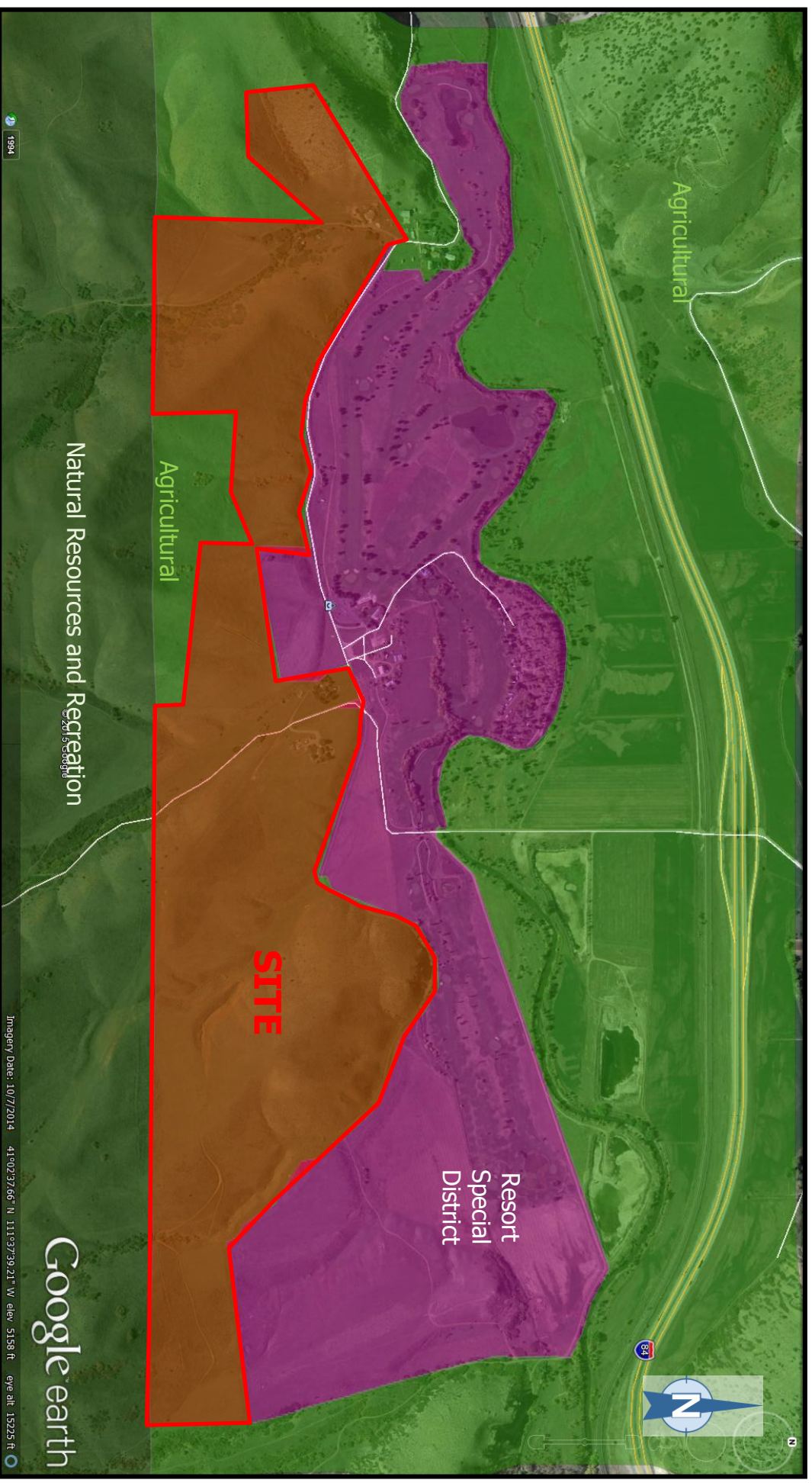
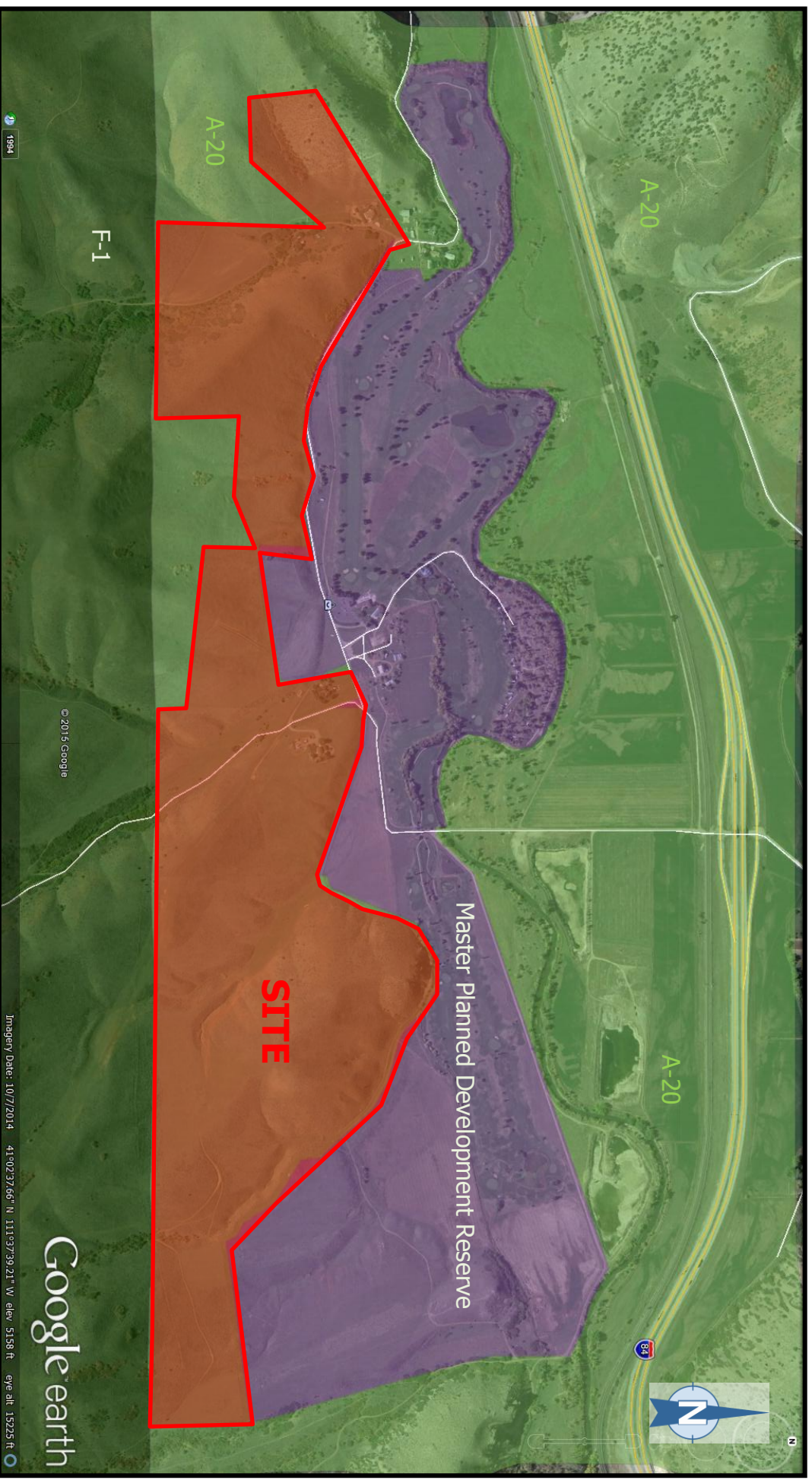
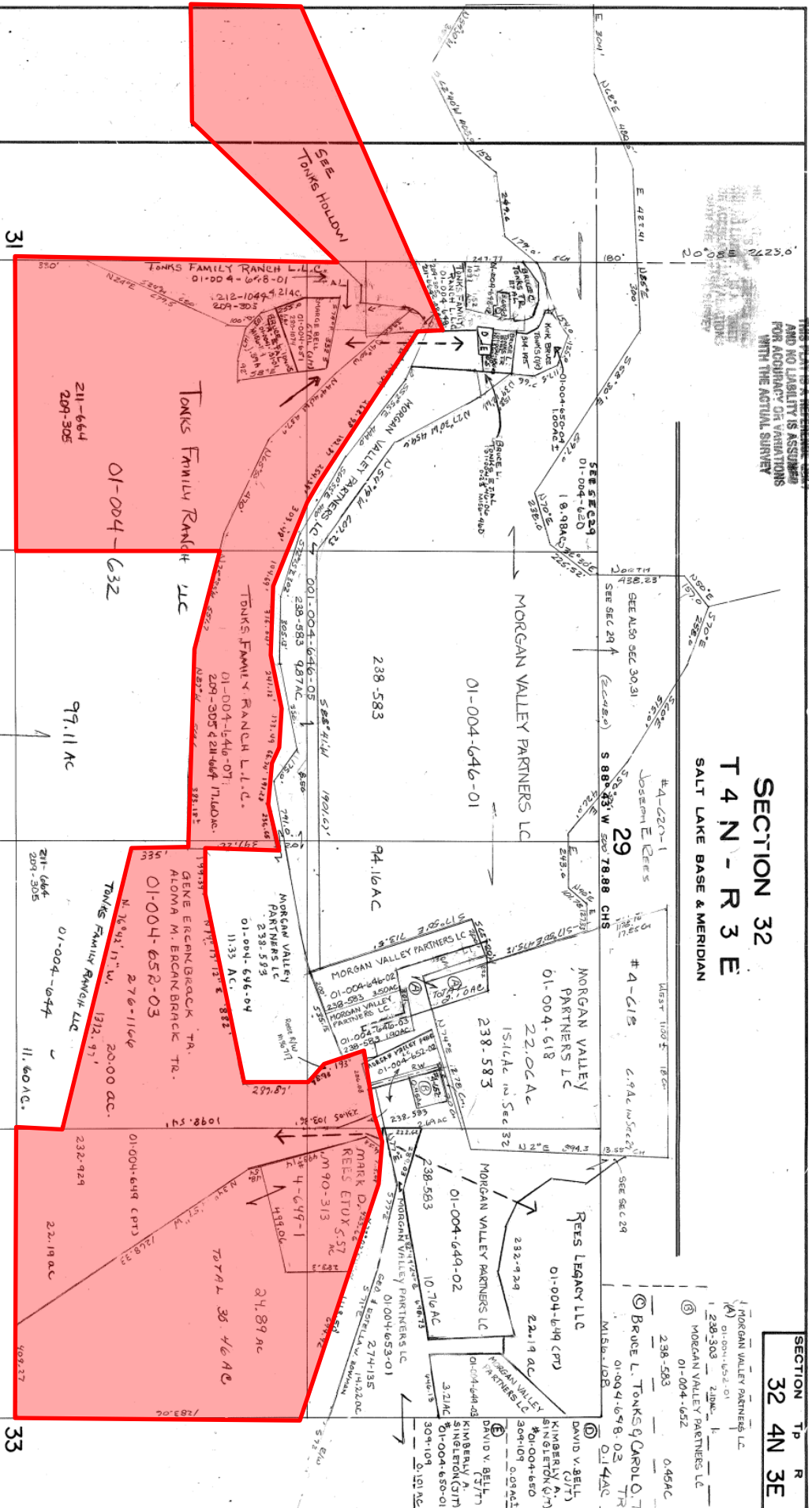


Exhibit C: Existing Zoning Map



THIS PLAN IS A REPRESENTATION
AND NO LIABILITY IS ASSUMED
FOR ACCURACY OR VARIATIONS
WITH THE ACTUAL SURVEY

SECTION	Tp	R
32	4N	3E



THIS MAP IS A REFERENCE ONLY.
AND NO LIABILITY IS ASSUMED
FOR ACCURACY OR VARIATIONS
WITH THE ACTUAL SURVEY.

NOTE: BE SURE 33
HOLD CORRECTLY)

SECTION 33
T 4 N - R 3 E
SALT LAKE BASE & MERIDIAN

SECTION	T _p	R
33	4N	3E

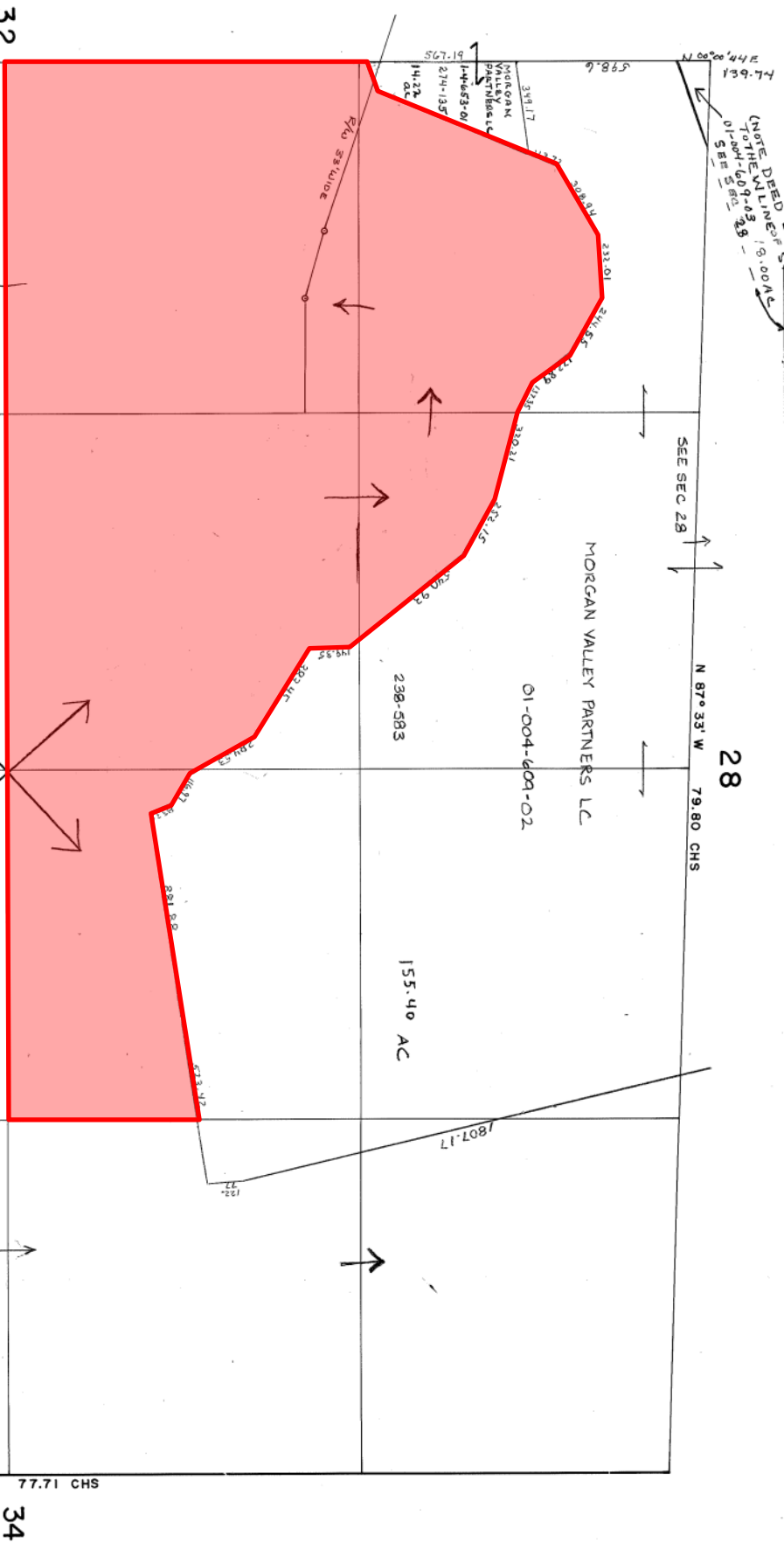
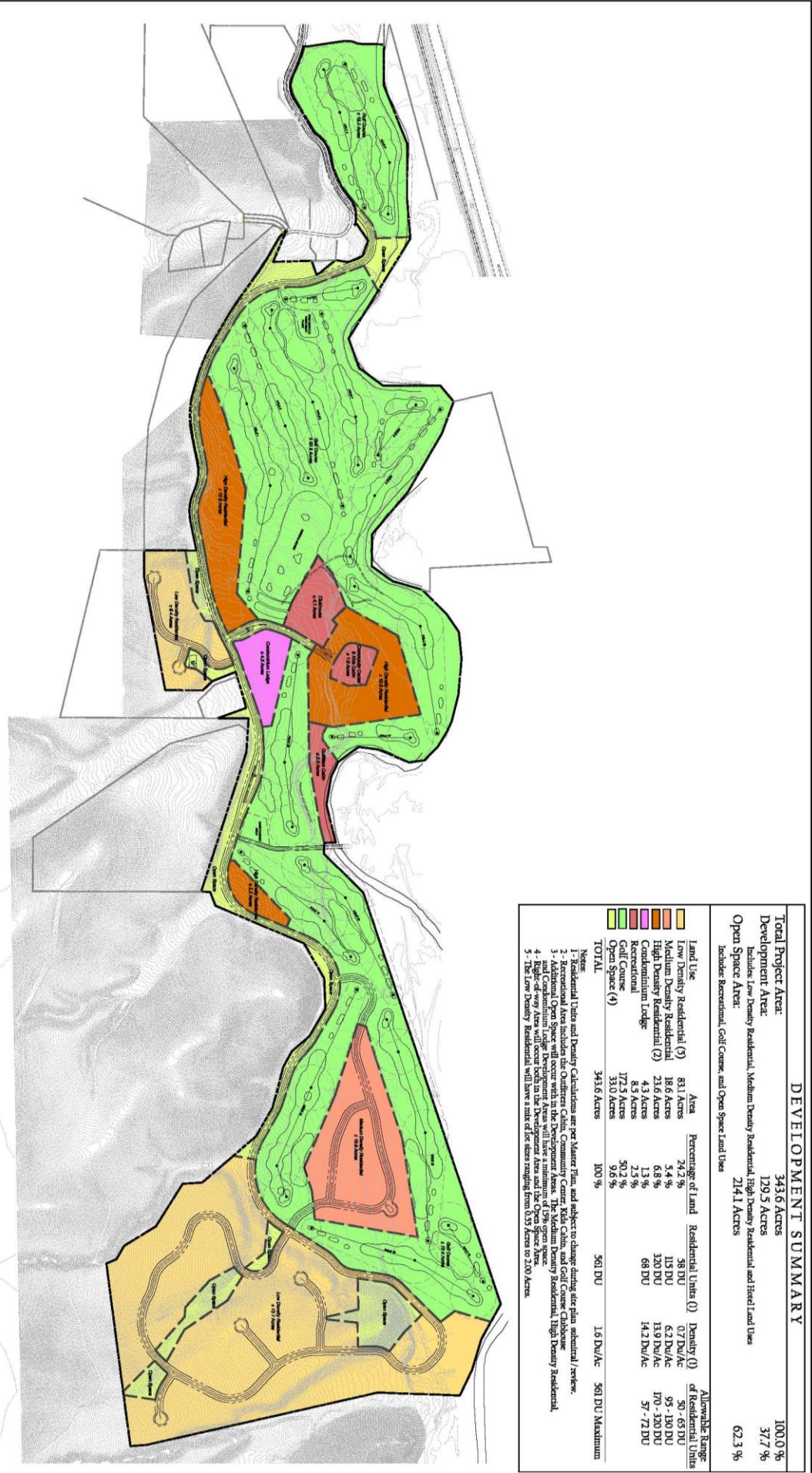


Exhibit E: Proposed Rivalda Map



Pettit Ranchettes PRUD Plat Amendment 2
Public Meeting
August 13, 2015

Application No.: 14.130
Applicant: Randy Krantz
Owner: Randy and Karen Pettit; Woods Creek Ranch LLC
Project Location: 246 W Woods Creek Rd
Porterville Area
Current Zoning: A-20
General Plan Designation: Agricultural
Acreage/Lots: approximately 80.17 acres; 4 lots and 4 open space lots
Request: Amend a subdivision of record to add approximately 50 feet to the eastern portion of Lot 23
Date of Application: November 10, 2014
Date of Previous Approvals: January 2002 (Original PRUD); June 2008 (1st Amendment)

Staff Recommendation

County Staff recommends approval of the requested amended plat based on the following findings and with the conditions listed below:

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That the owners provide a copy of the updated deed restrictions prior to recordation.
3. That all fees and taxes are paid, including any fees associated with outsourced consultants.
4. That any minor changes to the plat be handled by County Staff prior to recordation.

Background

This application is to amend the approved Pettit Ranchettes PRUD, originally approved in 2002, and amended in 2008. This PRUD has four lots and four open space lots. The amended PRUD contained 80.17 acres, of which 17.84 acres were in lots, while the remaining 62.32 acres were

in open space, for an approximate 78% open space. The proposed change would have 39.84 acres in lots, while the remaining 40.33 acres would be in open space, for an approximate 50% open space.

Lots 1 and 2 would remain largely unchanged; the only significant change is to the location of the lot lines, accounting for the distribution of areas labeled "common areas" which were originally shared between lots 1 and 2. Lots 3 and 4 would be significantly altered, where the surrounding open space would largely be absorbed within the lots. Parcel A open space would remain unchanged, and Parcel B is also nearly the same. Parcels C and D are dramatically changed. All open space is to be held in common by the home owners.

The reduction in the overall amount of open space may be generally understood to be a good thing. Having the acreage within private and separate ownership may lead to a greater sense of responsibility and accountability on the part of the lot owner. Further, as the areas which will be included in the lot which were previously open space are generally steep slope areas, there is no possibility of building in those areas. This also serves to reduce the burden on the home owners of owning, maintaining, and paying for the large open spaces – a burden which seems disproportionate to the benefit.

Please refer to Exhibit E for a comparison between the proposed and existing conditions.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has an Agricultural designation. According to the General Plan, the Agricultural designation "identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for large-lot residential and other uses." The Agricultural designation anticipates 20 acre lots. This proposed amendment changes the lot sizes of lots 3 and 4, increasing them from 1.5 acres to 10.57 acres and from 4.95 acres to 16.71 acres, respectively. This is much more in keeping with the underlying designation and goals of the General Plan.

The zoning of the parcel is A-20 (see Exhibit C). As noted above, the size of lots 1 and 2 will remain virtually the same, while lots 3 and 4 will increase substantially. This seems appropriate for the zoning that exists in the area in connection with the PRUD, which has already been approved. The overall density of 1 dwelling unit per 20 acres remains, which is in keeping with the spirit of the A-20 zoning district.

Ordinance Evaluation:

Property Layout. This subdivision has some natural and technical constraints that make it unique. In addition to the large lots designated through the PRUD, the open spaces created in steep slope areas will help to ensure the disbursed and open character of the area. The four lots center around a large, looped private lane, which provides access for all of the lots and acts as a buffer between the private lots and the open space in Parcel A. The setbacks are noted on the plat and are typical to the respective zones.

Roads and Access. As noted above, the lots front onto a private lane, where access will be gained to each property.

Grading and Land Disturbance. The parcel appears to lie outside of the flood plain. Some minimal site grading may be required to provide access and building pads for future homes built on lots 3 and 4, but this is not anticipated to greatly affect the land.

Utilities. Water service in the area is provided by an existing shared well serving lots 1 and 2, as well as two proposed wells located on lots 3 and 4. Waste water will be handled via individual septic systems.

Geologic Hazards. The proposed plat amendment lies within a geologic hazards unit and any development which takes place will need to follow the guidelines outlined in Section 8-5I of our code. However, the existing lots/structures predate the current Geologic Hazards ordinance, and are thus exempt from those requirements.

Model Motion

Sample Motion for *Approval* – “I move we approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated August 13, 2015.”

Sample Motion for *Approval with additional conditions* – “I move we approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated August 13, 2015, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we deny the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., *due to the following findings:*

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Current Zoning Map
Exhibit D: Proposed Amended Plat
Exhibit E: Comparison of Amended Plat and Existing Plat

Staff Contact

Bill Cobabe, AICP
801-845-4059
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

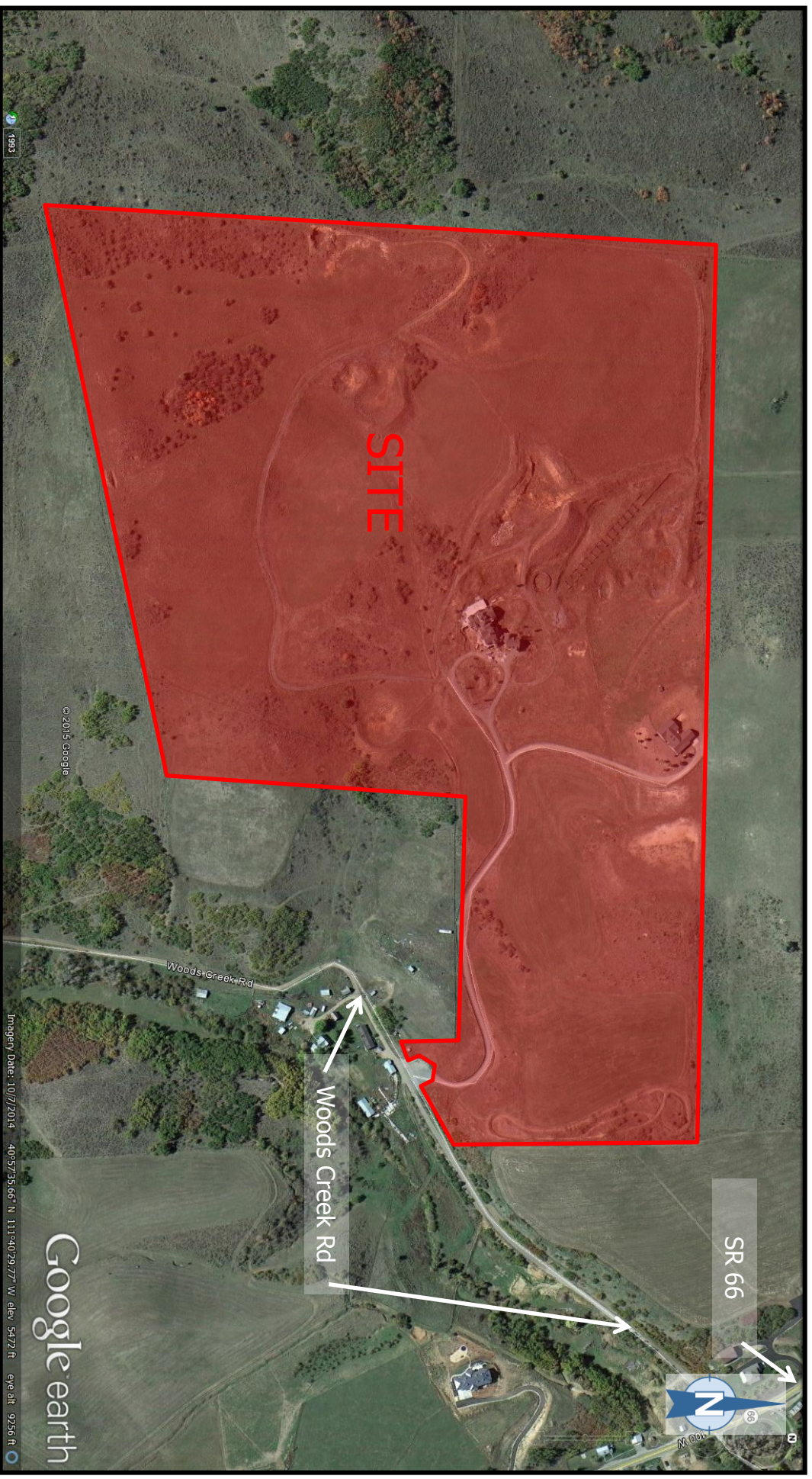


Exhibit B: Future Land Use Map

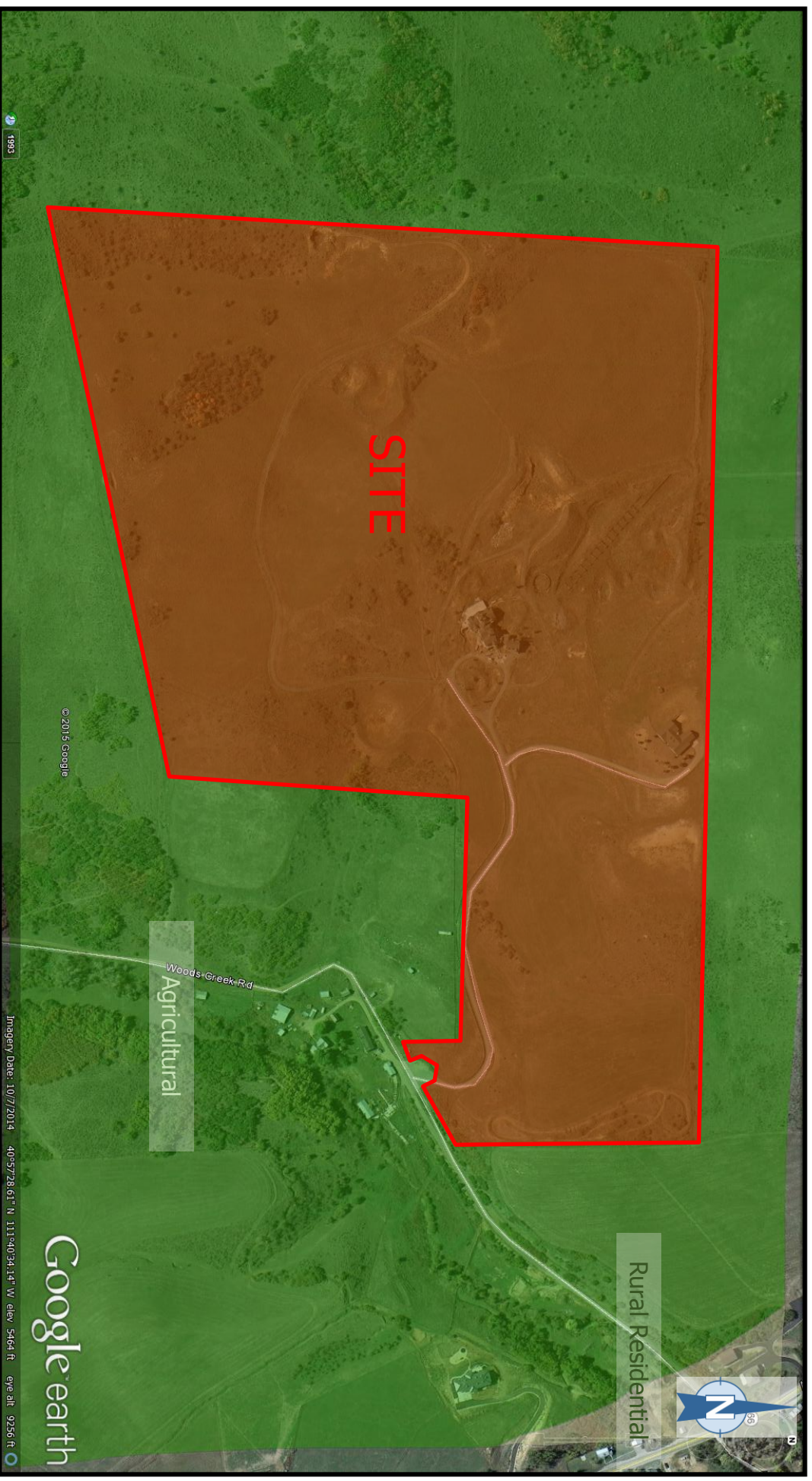
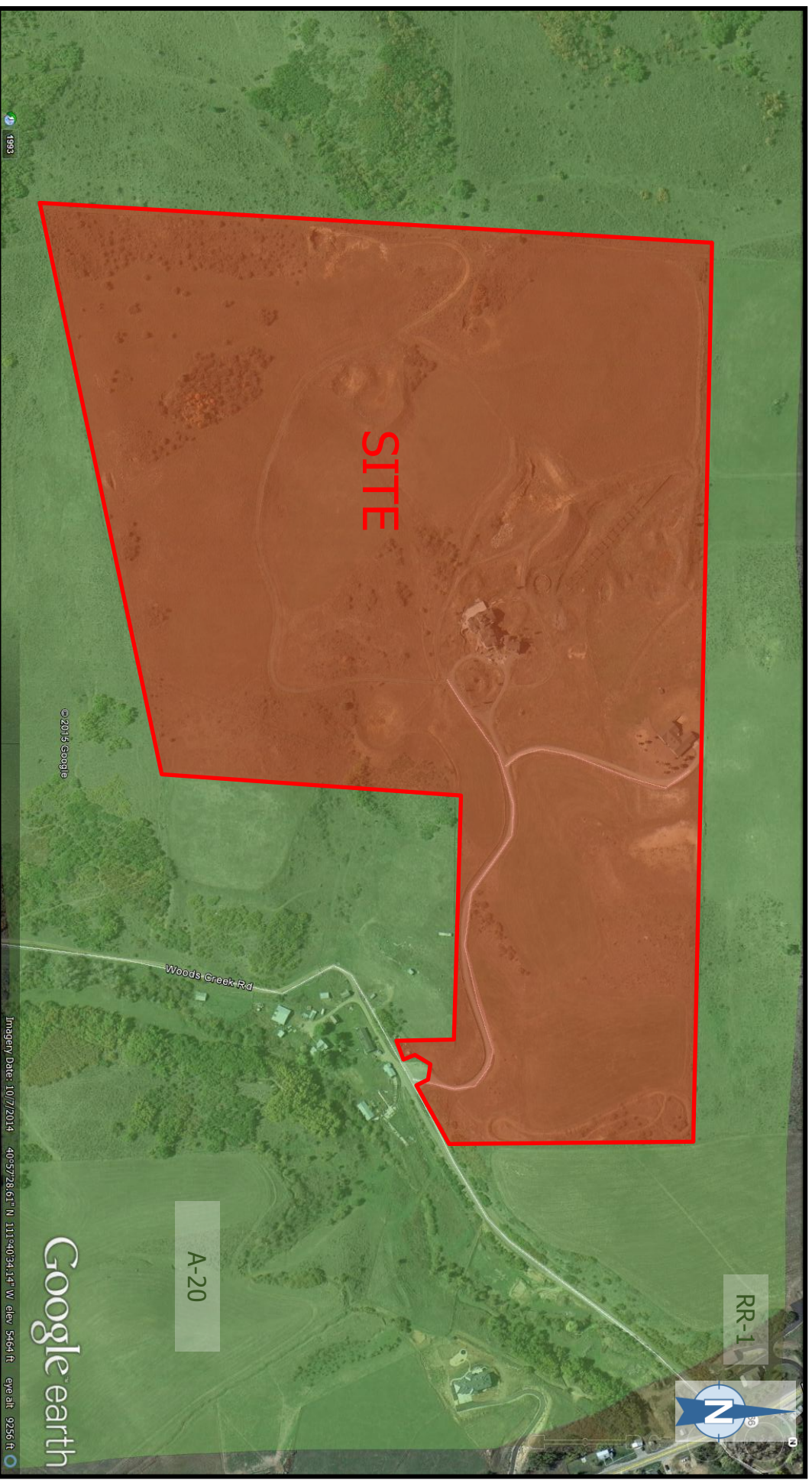


Exhibit C: Current Zoning Map



PETTIT RANCHETTES P.R.U.D. AMENDED PLAT NO. 2
FINAL PLAT
A PLANNED RESIDENTIAL UNIT DEVELOPMENT
A PART OF THE SW1/4 OF SECTION 25, T3N, R2E
A PART OF THE NW1/4 OF SECTION 36, T3N, R2E
SALT LAKE BASE AND MERIDIAN, U. S. SURVEY
MORGAN COUNTY, UTAH

CONSIDERING THE ABOVE SUMMARY GENERAL OF DATA SECTION IS LARGELY MADE FROM THE DATA OF THE FOLLOWING SECTIONS (SECTION 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835,

UTILITY SOURCE UNITS AND DRAINAGE AS MAY BE AUTHORIZED BY MICHIGAN
FURTHER DEDICATE OPEN SPACE, AS SHOWN HEREON.

SCOTT COLLIER, MANAGER

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8
7
2

ACKNOWLEDGEMENTS

NOTARY PUBLIC
RESIDING IN _____ COUNTY, UTAH
MY COMMISSION EXPIRES: _____

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY

MADELYN A. PELLITT
KAREN Y. PELLITT

CERTIFICATE OF SURVEYOR

SHEET NO. 1 OF 2

A schematic diagram showing a rectangular building footprint with a line extending from it, labeled "PROJECT LOCATION".

[illegible][illegible]

MORGAN COUNTY PLANNING COMMISSION
THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT WAS
DULY APPROVED BY THE MORGAN COUNTY PLANNING
COMMISSION.

SIGNED THIS _____ DAY OF _____, 2015.

CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION

MORGAN COUNTY ENGINEER

HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL
APPLICABLE ORDINANCES HAVE BEEN MET AND I AM
IN FULL AGREEMENT WITH THE FINDINGS AND
RECOMMENDATIONS OF THE PLANNING
COMMISSION AND RECORDING THE DEEDS CONCERNED HEREIN.

SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY ENGINEER

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS
RECORDED AT THE CLERK OF COURTS OFFICE OF THE MORGAN COUNTY ZONING
ADMINISTRATOR

SIGNED THIS _____ DAY OF _____, 20____

ZONING ADMINISTRATOR

MORAN COUNTY SURVEYOR

I, WILLIAM L. HOLYOAK,
THE CLERK OF THE STATE
SURVEYOR'S LICENSE
DISCLAIMED HEREIN THE
HIGHEST QUALITY AND
NETTIE RAY,
AND THAT THE SAME IS
PLAT HEREON.

SIGNED THIS _____

WILLIAM L. HOLYOAK, PLAT
UTAH LAND SURVEYOR

CERTIFICATE OF SURVEYOR

EDWIN J. HARRIS, PROFESSIONAL LAND SURVEYOR, HOLDING C
 IN ACCORDANCE WITH TITLE 16, CHAPTER 12, SUBCHAPTER 1
 OF THE STATUTES OF THE STATE OF OREGON, I HAVE
 EXAMINED THE RECORDS OF THE SURVEYOR'S OFFICE
 AND HAVE FOUND THAT THE FOLLOWING IS A TRUE AND
 CORRECT COPY OF THE ORIGINAL RECORDS OF THE
 SURVEYOR'S OFFICE:

PLAT NO. 167-461

20

REGISTERED

REPORTED ON THE

MORGAN COUNTY RECORDER

ENTERED _____ FILED _____
IN BOOK _____ OF THE OFFICIAL RECORDS _____
PAGE _____

RECORDED FOR _____

MORGAN COUNTY RECORDER COUNTY CLERK

PETTIT RANCHETTES P.R.U.D. AMENDED PLAT NO. 2
A PLANNED RESIDENTIAL UNIT DEVELOPMENT
FINAL PLAT
A PART OF THE NW1/4 OF SEC. 36, PART OF SW1/4 SEC. 25, T3N, R2E
SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
MORGAN COUNTY, UTAH


MOORE CREEK RANCH LLC, 246 MOORE CREEK LAKE, MORGAN, UTAH 84050

FOR NO. 008-90

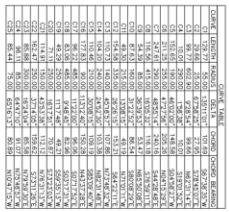
DECEMBER 27
MILWAUKEE
GRAMM 871
J.M.H.
DATE
APRIL 2015

REGISTERED MAIL
167661
WILLIAM L. HOLYOAK
STATE OF
MAILED

REVISIONS		
DATE	BY	COMMENTS
1/15	JMH	REVISED PER COUNTY PLANNING
4/15	JMH	REVISED PER PLANNER & SURVEYOR



MOUNTAIN ENGINEERING
P. O. BOX 309
MORGAN, UTAH 84050
TEL (801) 876-3978 FAX 876-3979

[illegible]

MORGAN COUNTY RECORDER

DEVELOPED BY:	陳士民
DESIGNED BY:	李麗儀
DATE:	APRIL, 2015

[illegible]

MOUNTAIN ENGINEERING
P. O. BOX 309
MORGAN, UTAH 84050
TEL (801) 876-3978 FAX 876-3979





PLANNING COMMISSION AGENDA

Thursday, July 9, 2015

Morgan County Council Room

6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St., Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/Public Hearing/Decision – Sanders Future Land Use Map Amendment
7. Discussion/Public Hearing/Decision – Amendments to the Morgan County Land Use Management Code
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from June 25, 2015 and June 30, 2015
10. Adjourn

Members Present

Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Kelley
Kim Buttars
Blaine Fackrell
Tom Guffey
Shad Guffey
MB Hancey
Mr. and Mrs. Morrison
Brent Sanders
Michelle Petersen
Jennie Earl

1. Call to order – prayer. Chair Haslam called the meeting to order. Prayer was offered by Member Nance.
2. Pledge of Allegiance
3. Approval of agenda
Member Sessions moved to approve the agenda. Second by Member Nance. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There were none.
5. Public Comment

Member Sessions moved to go into public comment. Second by Member Nance. The vote was unanimous. The motion carried.

Bruce Sanders: Addressed the Planning Commission about the change of the County Future Land Use Map concerning East Canyon Reservoir. He spoke with Carl Adams in the Department of Water Quality who stated their department has done extensive testing and in 2010 the pollution levels were 7 times higher than what the State allows. He informed that the sewage coming from the reservoir is at alarming levels and requested the Planning Commission and the County Council try to work with the State to resolve sewage levels and protect future development.

Kim Buttars: Lives at 4820 S Hwy 66, right on the East Canyon Creek, next to Mr. Sanders' proposed development. He stated that his family loves to fish the creek below the dam and echoes what Mr. Sanders just said about the rising pollution levels from East Canyon Reservoir. He stated that the brown trout health and populations have deteriorated and changed because of sewage and pollution from Jeremy Ranch and East Canyon Reservoir.

Member Sessions moved to go out of public comment. Second by Member Nance. The vote was unanimous. The motion carried.

Legislative:

6. Discussion/Public Hearing/Decision – Sanders Future Land Use Map Amendment

Bill reaffirmed that the change tonight is not for Zoning, but for changing the designation on the Future Land Use Map. He didn't have any additional information from the previous meeting, as it was discussed at an earlier Planning Commission Meeting that was not noticed satisfactorily.

Mr. Sanders would like it to be clear that he is not seeking to build 17 homes on the lots. Mr. Sanders has currently designed a 4 lot subdivision, and is seeking a 5th buildable lot. Bill noted that the 4-acre parcel to the NE part of his property is not buildable, as it doesn't have sufficient frontage.

Member Sessions stated that she estimated 800 feet of frontage along the road on the east side. Bill stated that it wouldn't be allowed for Mr. Sanders to build a subdivision that would land-lock any parcels. Bill pointed out the flood plain on the map, in response to Member Ross's inquiry. Chair Haslam asked about the differences between this proposal and any other similar requests. Bill addressed the Yaryca request and stated that any changes made to the General Plan must be carefully considered. There was some discussion as to the area surrounding where the Richville/Porterville Area Plan drew the line for development. The line for the existing zoning was made many years ago, but Mr. Sanders' property lies just to the east of that boundary. Bill reiterated that Mr. Sanders has 4 lots/parcels of land that would be buildable in the future. Chair Haslam asked about any guidance from the County Council on this issue and Bill referred back to the General Plan. Bill further clarified that it is the responsibility of the Planning Commission to uphold the General Plan. Bill stated that Yaryca was looking for a Master Planned Community in anticipation of a Resort Special District zone. If approved, Mr. Sanders would consequently request a zone change and proceed from there. Member Nance asked Bill's opinion about the flow of development in the area. Bill responded that he sees development similar to the surrounding area and said that this request is compatible with uses of adjacent properties. Member Nance asked Member Sessions how she felt the changes to the FLUM would be received and she referred to the public comment and hearings sections where the public had offered opinions on the land remaining the same.

Bruce Sanders: He pointed out that his property is below White's Crossing. His plan is a maximum of 5 lots out of this property. He showed on the map where the proposed divisions would occur. He had a well drilled and the water is good. He also clarified that there have been rumors circulating of a possible 17 homes going in, but he would put a maximum of 5 homes, with the smallest lot being 2 acres. He feels that is conducive to the

area. Member Sessions voiced her concern that once an approval is granted, a property owner may change his/her mind and decide to go in a different direction. Mr. Sanders clarified that the request is for Rural Residential, not RR-1.

Chair Haslam stated that Mr. Sanders purchased the property knowing that it was the current designation of A-20. He appreciated the comments about pollution from the dam and is concerned that building more homes in that area would contribute to pollution problem. Mr. Sanders stated he is 3 miles from the dam. He also refuted that he drilled a well and the water quality is good. Chair Haslam explained his desire to be consistent with the applications coming in and stated that others have been turned down who do not comply with the Area Plan. Member Sessions said that she understood the 1 acre zone along the road extended to White's Crossing and she wouldn't mind seeing the continuation of it along the road to White's Crossing.

Member Ross moved to go into public hearing. Second by Member Sessions. The vote was unanimous. The motion carried.

Jennie Earl: She is a resident of Porterville. She asked if the larger parcel would be zoned for the RR-5 zone and Mr. Sanders said yes. Mr. Sanders said the lower acreage is 6-7 acres and will be in the RR-1 zone. She mentioned water quality, sewer and desire to look ahead for any possible future similarities.

Tina Kelley: She wondered if any of the Planning Commission members have read the General Plan for the Porterville/Richville area which can be found in the appendices of the General Plan A. There is a detailed description of the characteristics the area residents wanted and she stated that many of the questions coming from the Planning Commission members could be answered and directed by reading that plan. She stated that in that appendix, it refers to 2 small villages (and boundaries) and although the villages have been removed, the description is still there.

Corpany: Asked for a clear direction of where White's Crossing is. Member Sessions pointed out that White's Crossing is the southern boundary of a parcel on the map. He stated he knows of one instance where 10 acres was allowed to go to a 5-acre subdivision and that property lies on the other side of White's Crossing, in the A-20 zone. The Planning Commission rebutted that that particular property occurred before the current Planning Commission was established.

Michelle Petersen: She is a Porterville resident and would like to not see the change. She feels that Mr. Sanders knew the area designation when he bought it and feels the area should remain the same. Her opinion is that residents of the Richville/Porterville area would like to see less change and keep the land as it is.

Blaine Thackerell: He was on the Area Plan Committee and he stated that he also thought the boundary line for development was White's Crossing. He is against zoning of 1-acre

lots but is not necessarily opposed to this proposal. He sympathized by stating it is a difficult thing to do what the community wants.

Bruce Sanders: He stated that his home has 3 lots and was created in a PRUD. He is willing to combine his lots to compensate for some of the differences and opinions expressed tonight.

Member Nance moved to go out of public hearing. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Nance asked Bill about the Area Plan and Bill responded that he is familiar with it. He stated that the General Plan strives to keep the “rural setting” however that definition may change over time and with residents’ perspectives. He stated that the Area Plan does not mention specific sites. Member Wilson asked about the County’s liability if someone builds on a flood plain, and Bill responded that responsibility doesn’t fall to the County, however more on home insurance and flood insurance. Bill also stated that if a change is approved tonight, there are no legal entitlements that accompany it at this time; those entitlements would come at the zoning stage.

Member Sessions stated that she is in favor of the changes that run along the road. She also read from the Area General Plan of which Tina Kelley referred: “Growth in the small villages will be clustered into RR-1, RR-5 and A-20 flood plain only zones. Development outside the small village sites shall conform to present RR-1, A-20 MU-160 and F-1. Zones RR-5 and RR-10 have been excluded from the plan outside the small villages.” (The small villages were the townships of Porterville and Richville).

Member Wilson expressed concern about future applicants with desires to make similar changes. He doesn’t want to feel obligated to approve others if they approve tonight. Chair reminded Planning Commission members that approving one application does not set precedence for others, even if they are similar. They shouldn’t be obligated to approve others even though they may be similar.

Clarification on the application: the request for a change on the application is not adjustable by the Planning Commission. The motion must be made based upon the applicant’s request, and any changes or adjustments must come from the applicant. Chair clarified that a motion must be made to approve or deny the application.

Member Sessions moved to forward a negative recommendation to the County Council for the Sanders Future Land Use Amendment, application number 15.044, changing the designation from Agricultural to Rural Residential, based on the finding listed in the Staff Report dated July 9, 2015. There was no second. The motion fails.

Discussion: Member Wilson commented that he also cannot forward a positive recommendation with the current application as it is. He made a new motion.

Member Wilson moved to forward a negative recommendation to the County Council for the Sanders Future Land Use Amendment, application number 15.044, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated July 9, 2015. Second by Member Sessions.

Member Wilson stated that the way it is presented, he cannot agree with the entire proposal. He feels it is a natural extension of the direction in which Porterville is headed, but he cannot forward a positive recommendation at this time.

The vote was unanimous. The motion carried.

7. Discussion/Public Hearing/Decision – Amendments to the Morgan County Land Use Management Code

Bill said there are 4 changes to the ordinances. Chair requested that changes be made in a different color so they are easily seen.

Taken from the Staff Report:

“County Staff has been made aware of a significant discrepancy with regard to the subdivision of land in Morgan County. Section 8-12-9 from our Code allows for exemptions from platting requirements for three scenarios:

- 1. Section A describes and regulates conditions where land may be divided for “bona fide agricultural” lands.*
- 2. Section B creates remnant parcels that are divided from a larger parent parcel in the case of multi-phase subdivisions. This means that as a subdivision moves through the various phases of development, the parcels created by the initial phases create land that is left over, but which is also subject to the previous approval of a concept plan.*
- 3. Section C allows for dividing land for public facilities/utilities.*

These divisions of land are specifically not called “subdivisions.” Because of this, and because they are generally exempt from platting requirements – including infrastructure, access, lot frontage, other regulation – there is difficulty on the part of Staff in administering the future development on these parcels. This difficulty begins with Section 8-12-9 (A)(5), which indicates that the County “may require” any resulting lot or parcel divided by a bona fide agricultural division. This verbiage is problematic because it is open-ended and subjective (good ordinances provide clear direction to both Staff and applicants) and because it is not in harmony with what the State Code requires. Utah State Code Title 17 Chapter 27a Part 6 Section 605 (2)(a) allows for the division of agricultural land exempt from plat requirements. However, Section 605 (2)(b) states that if a lot or parcel exempted under the previous Subsection is “used for a nonagricultural purpose, the county shall require the lot or parcel to comply with ... all applicable land use ordinance requirements.” Thus, simply changing the “may require” in our current ordinance

to “shall require” would seem to address this ambiguity.”

Bill led the discussion. Chair asked if there was a definition for “reasonable time”. Bill responded between 24-48 hours after a decision is rendered.

Member Sessions moved to go into public hearing. Second by Member Nance.

Tina Kelley: She directed the Commission to Page 7 of the Land Use Management Code concerning width and frontage regulations. She asked Bill for clarification on earlier comments. He suggested that RR-1 have the frontage requirements. She asked if it created a Flag Lot and Bill responded that it did not.

Carolyn Morrison: She asked for clarification on what Mrs. Kelley stated about the subdivision process. She compared the decisions tonight with a documentary she watched about the American Constitution and she applauded the Planning Commission members for their consideration. She reiterated that some comments tonight, “leave the land like it is”, echo how she feels. Chair Haslam explained to her that the wording is changed to “the County ‘shall require’” as opposed to the previous wording of “may require” to allow for clarification.

Member Nance moved to go out of public hearing. Second by Member Ross. The vote was unanimous. The motion passed.

There was no further discussion on the item.

Member Nance moved to approve item 7 (Morgan County Land Use Management Code) with the exception to exclude RR-1, placing N/A on the chart 8-5A-5, as it would not apply. The width requirements would still be there. Second by Member Sessions.

Member Sessions clarified that this vote affects all of the changes in the packet, applicable to what was discussed tonight. **The vote was unanimous. The motion carried.**

Chair Haslam was excused from the meeting at 7:59 pm. Member Sessions took over to conduct the rest of the meeting as vice-chair.

8. Planning Commission Business/Questions for Staff

He presented upcoming trainings that concern transit options. Member Wilson asked about an update with Snowbasin and Bill said he hadn’t heard anything. Bill gave an update about the CUP for the gravel pit to continue operation. The Whittear Estates (53 lots in Peterson) are still working through sewer problems. Gina Grandpre read from an article about Snyder Basin concerning water quality. Bill mentioned an interest in a distillery in the County and he stated that there are restrictions about selling drinks and consuming on premises. There may be an appeal for tourism and could potentially draw tourism dollars.

Chair Haslam re-entered the meeting at 8:15 and stated that the motion on Mr. Sanders' application refers to the staff reports' negative findings, which there are none listed. A reconsideration is required before a new motion.

Member Ross moved to reconsider the decision on the Sanders' Future Land Use Map. Second by Member Wilson. The vote was unanimous. The motion carried.

Member Wilson moved to forward a negative recommendation to the County Council for the Sanders Future Land Use Amendment, application number 15.044, changing the designation from Agricultural to Rural Residential, due to the following finding: The proposed change does not fit with the Area Plan outlined at this time.

Second by Member Ross. Member Nance commented that the applicant is not present but that this just clarifies the motion. **The vote was unanimous. The motion carried.**

Member Nance stated he would like to review the bylaws, as Robert's Rules states that you can suspend the rules, however the bylaws cannot be suspended.

Bill mentioned that the next meeting will be August 13, 2015.

9. Approval of minutes from June 25, 2015 and June 30, 2015

Member Nance moved to approve amended the minutes from June 25, 2015. Second by Member Wilson. The vote was unanimous. The motion carried.

Member Nance moved to approve amended the minutes from June 30, 2015. Second by Member Ross. The vote was unanimous. The motion carried. Member Wilson abstained, as he was absent.

10. Adjourn

Member Nance moved to adjourn. Second by Member Ross. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman, Roland Haslam

ATTEST: _____ Date: _____
Mickaela Moser, Transcriptionist
Planning and Development Services